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EXAMINER

KAMAL, SHAHID

ART UNIT

PAPER NUMBER

3621

MAIL DATE

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10/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/019,794	<b>Applicant(s)</b> SAKAMOTO, TETSUHIRO	
	<b>Examiner</b> SHAHID KAMAL	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. Claims 1-34 and 44 are remain pending and have been examined.
2. This Office Action is responsive to the amendment filed on July 07, 2008.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-34 and 44 are rejected under 35 U.S.C. 102(b) as anticipated by Walker et al. (US Patent No. 5,794,207) ("Walker").

Referring to claim 1, Walker discloses the following:

a) receiving buying request data (central controller-200) representing a buying order and a buying condition (provide condition-530) for the encryption key (within database-290) for the encrypted digital data (digital goods), the buying request data being transmitted through the communication network (electronic network) (Fig.2, 5, C8, L42-49, C9, L1-67, C11, L41-51-central controller receiving buying request cryptographic data with purchase condition (CPO) from a buyer);

b) receiving selling request data (central controller-200) representing a selling request and a selling condition for the encryption key (within database-290) for the encrypted digital data (digital goods), the selling request data being transmitted through the communication network (electronic network) (Fig.9, 10, 14 and C8, L42-49 –central controller receiving selling request data with selling condition from a seller);

c) deciding a transaction price for the encryption key for the digital data (digital goods) corresponding to the received buying request data and the selling request data (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer); and

d) concluding buying transactions and transactions corresponding to the decided transaction price (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

e) wherein the digital data (digital goods) are converted into data used by a process performed with auxiliary digital data corresponding to the digital data, and the auxiliary digital data includes an encryption key (figures 14, 15, C8, L42-44, C10, L40-56, C12, L3-7, C16, L46-62, C24, L16-46, C25, L1-19, and C32, Claim 1 –cryptographic process).

Referring to claim 2, Walker further discloses storing information with respect to the selling transactions and the buying transactions (C12, L54-67 –data stores in data storage device-250).

Referring to claim 3, Walker further discloses publicizing information with respect to the selling and the buying transactions through the communication network (C8, L42-44, C12, L3-7 –communication network is an electronic network is connected with buyer, seller and central controller).

Referring to claim 4, Walker further discloses wherein a use of the digital data has been limited (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited).

Referring to claim 5, Walker further discloses wherein the digital data is character data (C16, L1-16 -goods include airline ticket, hotel room, cars etc).

Referring to claim 7, Walker further discloses wherein the digital data is audio data (C16, L1-16 -goods include airline ticket, hotel room, cars etc).

Referring to claim 8, Walker further discloses wherein the digital data is program data of a game (C16, L1-16 -goods include airline ticket, hotel room, cars etc).

Referring to claim 9, Walker further discloses storing the digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions (C12, L54-67 –data stores in data storage device-250).

Referring to claim 10, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to the decided transaction price (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 11, Walker further discloses wherein the decided transaction price is stored in a device that performs a process for the concluding of the selling transactions and the buying transactions as time elapses (C12, L54-67 –data stores in data storage device-250).

Referring to claim 12, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to information regarding people concerned with the selling transactions (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 13, Walker further discloses wherein the information regarding the people concerned contains identification information and personal information of the people (Fig 11, C8, L28-41, C8, L57-65 –identify the buyers information).

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Referring to claim 14, Walker further discloses publicizing at least part of information regarding a process for the concluding of the selling transactions and the buying transactions through the communication network (C8, L42-44, C12, L3-7 – communication network is an electronic network is connected with buyer, seller and central controller).

Referring to claim 15, Walker further discloses wherein at least part of information regarding a process for the concluding of the selling transactions and the buying transactions is stored and the stored information is rewritten (C12, L54-67 –data stores in data storage device-250).

Referring to claim 16, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying price (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 17, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying transaction execution date (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 18, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying transaction settlement method (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 19, Walker further discloses wherein seller-side data that represents the selling condition is data regarding a selling price (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 20, Walker further discloses wherein [seller side] seller-side data that represents the selling condition is data regarding a selling transaction execution date(C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Referring to claim 21, Walker further discloses wherein seller-side data that represents the selling condition is data regarding a selling transaction settlement method (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).



Referring to claim 22, Walker further discloses settling concluded selling transactions and buying transactions and generating data with respect to a paying and receiving process corresponding to a settled result (C9, L17-30 and C34, Claim 23 – when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 23, Walker further discloses rewriting asset information of personal information of people concerned with settled selling transactions and buying transactions to pay and receive the transaction price with respect to the selling transactions and the buying transactions (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 24, Walker further discloses wherein the digital data have been encrypted to limit use of the digital data (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited).

Referring to claim 25, Walker further discloses wherein the transaction price is decided for the auxiliary digital data (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 26, Walker further discloses storing the auxiliary digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions (C12, L54-67 –data stores in data storage device-250).

Referring to claim 27, Walker further discloses wherein the conclusion of the selling transactions and the buying transactions is performed corresponding to identification information of the auxiliary digital data (Fig 11, C8, L28-41, C8, L57-65 – identify the buyers information).

Referring to claim 28, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of buyer-side data and a number of seller-side data with respect to the digital data and the auxiliary digital data (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited).

Referring to claim 29, Walker further discloses wherein the number of the buyer-side data and the number of the seller-side data with respect to the digital data and the auxiliary digital data are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as [the] time elapses (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited).

Referring to claim 30, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of the digital data and a number of the auxiliary digital data supplied and received (C12, L8-20 –number of goods receive).

Referring to claim 31, Walker further discloses wherein the number of the digital data and the number of the auxiliary digital data supplied and received are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as time elapses (C12, L54-67 –data stores in data storage device-250).

Referring to claim 32, Walker further discloses the following:

- a) a number and contents of buyer-side data and a number and contents of seller-side data corresponding to the digital data and the auxiliary digital data (Fig.10 (1020-limited goods), C16, L1-11 –a buyer can buy selected number of goods which is limited); and
- b) a number of the digital data and a number of the auxiliary digital data supplied and received (C12, L8-20 –number of goods receive); and
- c) reading the number of the buyer-side data and the number of the seller-side data corresponding to the digital data and the auxiliary digital data and the number of the digital data and the number of the auxiliary digital data supplied and received, the number of the buyer-side data, the number of the seller-side data, the number of the

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digital data, and the number of the auxiliary digital data having been stored (C12, L54-67 –data stores in data storage device-250); and

d) deciding a transaction price corresponding to the data read in the reading step (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

Referring to claim 33, Walker further discloses transmitting the digital data and the auxiliary digital data regarding the concluded selling transactions and buying transactions to a buyer with respect to the concluded selling transactions and buying transactions through the communication network (C8, L42-44, C12, L3-7 communication network is an electronic network is connected with buyer, seller and central controller).

Referring to claim 44, Walker discloses the following:

a) receiving buyer-side data that represents a buying order for the digital data and a buying condition through the communication network (C8, L42-44, C12, L3-7 – communication network is an electronic network is connected with buyer, seller and central controller);

b) receiving seller-side data that represents a selling order for the digital data and a selling condition through the communication network (C8, L42-44, C12, L3-7 –

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communication network is an electronic network is connected with buyer, seller and central controller);

c) deciding a transaction price of the digital data corresponding to a number and contents of the buyer-side data and a number and contents of the seller-side data (C12, L54-67 –data stores in data storage device-250); and

d) concluding the selling transactions and the buying transactions corresponding to the transaction price (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

e) wherein the digital data (digital goods) are converted into data used by a process performed with auxiliary digital data corresponding to the digital data, and the auxiliary digital data includes an encryption key (figures 14, 15, C8, L42-44, C10, L40-56, C12, L3-7, C16, L46-62, C24, L16-46, C25, L1-19, and C32, Claim 1 –cryptographic process).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent No. 5,794,207) ("Walker") in view of Fan (US Patent No.: 6,580,820 B1) ("Fan").

Referring to claim 6, Walker does not expressly disclose wherein the digital data is picture data.

Fan discloses wherein the digital data is picture data (C2, L1-15 –digital image is a picture data which could be printable).

Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have modified of Walker for a method and apparatus for a cryptographically assisted commercial network system designed to facilitate buyer-driven conditional purchase offers with the features of Fan for a digital imaging method and apparatus for detection of document security marks in order to provide a better prove for a person for the eCommerce transaction.

***Examiner's Note:***

7. The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as

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potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Response to Arguments***

8. Applicant's arguments filed on July 07, 2008 have been fully considered but they are not persuasive.

9. As per claims 1-44, Applicant argues "Walker does not disclose receiving buying request data representing a buying order and a buying condition for the encryption key for the encrypted digital data, the buying request data being transmitted through the communication network; receiving selling request data representing a selling request and a selling condition for the encryption key for the encrypted digital data, the selling request data being transmitted through the communication network; deciding a transaction price for the encryption key for the digital data corresponding to the received buying request data and the selling request data; and concluding buying transactions and transactions corresponding to the decided transaction price; wherein the digital data are converted into data used by a process performed with auxiliary digital data corresponding to the digital data, and the auxiliary digital data includes an encryption key (response pages 13-14)". Walker teaches receiving buying request data (central controller-200) representing a buying order and a buying condition (provide condition-530) for the encryption key (within database-290) for the encrypted digital data (digital goods), the buying request data being transmitted through the communication network (electronic network) (Fig.2, 5, C8, L42-49, C9, L1-67, C11, L41-51-central controller

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receiving buying request cryptographic data with purchase condition (CPO) from a buyer); receiving selling request data (central controller-200) representing a selling request and a selling condition for the encryption key (within database-290) for the encrypted digital data (digital goods), the selling request data being transmitted through the communication network (electronic network) (Fig.9, 10, 14 and C8, L42-49 –central controller receiving selling request data with selling condition from a seller); deciding a transaction price for the encryption key for the digital data (digital goods) corresponding to the received buying request data and the selling request data (C10, L40-56, C16, L46-62 and C32, Claim 1 –a buyer who wanted a sale a car is specified a price for a customer); concluding buying transactions and transactions corresponding to the decided transaction price (C9, L17-30 and C34, Claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact); wherein the digital data (digital goods) are converted into data used by a process performed with auxiliary digital data corresponding to the digital data, and the auxiliary digital data includes an encryption key (figures 14, 15, C8, L42-44, C10, L40-56, C12, L3-7, C16, L46-62, C24, L16-46, C25, L1-19, and C32, Claim 1 –cryptographic process).

### ***Conclusion***

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The examiner can normally be reached on MONDAY through THURSDAY between the hours of 8:30 AM and 7 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shahid Kamal  
October 26, 2008

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621